

REMARKS

The last Office Action of October 4, 2010 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-26 are pending in the application. Claims 1-26 have been canceled. Claims 27-52 have been added. A total of 25 claims is now on file. No amendment to the specification has been made. No fee is due.

It is noted that claim 10 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14, 16-23 and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Publication No. US 2004/0120008 to Morgan ("Morgan").

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Morgan in view of U.S. Pat. Publication No. US 2004/0140459 to Haigh ("Haigh").

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Morgan in view of US 2002/0120008 to Chumbley ("Chumbley").

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Morgan in view of US 2003/0167203 to Thorne ("Thorne").

REJECTION OF CLAIM 10 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner's rejection has been rendered moot by the cancellation of claims 1-26 and presenting of new claims 27-52, wherein the "for example" phrase has been removed.

Withdrawal of the rejection of claim 10 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION OF CLAIMS 1-14, 16-23 AND 26 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY MORGAN

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

In order to clearly distinguish the present invention from Morgan, applicant has presented new claim 27 by setting forth a relationship of the various steps of the method, namely that the method steps have to be followed in order.

The Examiner determined that the steps in claim 1 are all disclosed in Morgan. Applicant contends that the Morgan method does not anticipate the present claim 27 in very important ways.

While Morgan discloses a kiosk that supposedly functions in many ways, the only function that is disclosed in Morgan is specifically that of printing a deck of cards with a corporate logo and the features of the user in the royal deck cards.

The Examiner states that Morgan, in paragraphs [0092] and [0094], discloses a language and communication selection. This is not the case. In parsing these paragraphs, no communication selection in any particular language is disclosed. All that is disclosed is that available text may be in various languages. The fact that text is available in various languages does not presuppose nor does it affirm that a communication selection for the user is available. This alone distinguishes entirely from the present invention. Thereby the present invention can attract in particular tourists with its foreign language selection feature.

Furthermore, the Examiner points on page 4 at (g) of the Office Action as to the payment step to Fig. 4 [3]. The payment step as disclosed in Morgan appears in Fig. 4 as one of the first steps after the initial screen appears. Since the steps are set forth in sequence, they are taken in sequence. This clearly shows that the user is required to make payment before the user has seen any of the images stored or otherwise the kiosk produces. In the present invention, the payment option comes later after the product has been shown to the user and

the user is satisfied with the product. This function is an important difference since the user in Morgan is entirely clueless as to the product and is forced to pay in advance.

Based on the foregoing discussion, Morgan does not anticipate newly presented claim 27. As far as the rejected dependent claims are concerned, these claims incorporate that same features as claim 27 and therefore patentably distinguish over the Morgan reference in same manner as claim 27.

Withdrawal of the rejection of claim 1-14, 16-23 and 26 under 35 U.S.C. §102(b) is thus respectfully requested.

REJECTION OF CLAIM 15 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MORGAN IN VIEW OF HAIGH

In order to clearly set forth the features of the present invention, applicant has canceled original claims 1 to 26 in favor of claims 27 to 52. Please note that claim 41 has been worded to address the rejections under 35 U.S.C. §103(a). Applicant respectfully disagrees with the Examiner's rejection of the original claim 15 on the basis of the applied prior art for the following reasons:

Applicant wishes to note that the Examiner's rejection of claim 15 fails to properly communicate the basis for a rejection. The Examiner cites paragraph [0067] in Morgan to teach LED diodes for generating constant light. It is easily seen from the specification that the LED diodes are near the camera (Fig. 2) so that the user is illuminated in a constant way. When reviewing the paragraph cited by the Examiner from the reference, the LED is cited strictly for illumination of the screen, which is supported by the fact that paragraph [0067] emphasizes this as an alternative to a touch screen. In that manner the LED diodes as claimed are distinguishable from the structures as cited by the Examiner.

With respect to the photometer, the Examiner concedes that the photometer is not part of the reference as cited, therefore the Examiner cites Haigh to supply the missing structure. The structure the Examiner refers to is a

light sensor. Since Fig. 1 is cited in Haigh as prior art, no description other than the presence of the light sensor is mentioned. This is distinguishable from the recitation of an LED illumination and the presence of a photometer to specifically light the user, so suitable images can be accomplished. Nothing of this is described in Morgan or Haigh.

Based on the foregoing discussion, applicant believes that the rejection has been overcome.

Withdrawal of the rejection of claim 15 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

REJECTION OF CLAIM 24 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MORGAN IN VIEW OF CHUMBLEY

The rejection of claim 24 based on Morgan and Chumbley is respectfully traversed. Original claim 24 has been cancelled, such that the rejection thereof is now moot. However, claim 39 directed to the device now includes the franking unit (postage unit), so the franking unit is discussed in relation to claim 39.

The Examiner admits that Morgan lacks the feature of a franking unit and cites Chumbley as supplying such.

It is first noted that the Chumbley reference does not appear on the Examiner's list of cited references. However, since the Examiner discusses the franking unit relative to this reference, applicant will be discussing the rejection herein.

The Chumbley reference is directed to producing a postage meter strip with a vanity image of a user. The entire description of the reference appears not only impractical but also illusory since, as the description admits, the printing of postage with one's own portraiture is not allowed. Also, it is not possible to get a photo uploaded for printing at a Passport Agency's central computer as set forth in Chumbley. The fact that in the description of this publication, there is postage printing mentioned has no bearing on the relationship of a franking unit to the

present rejection. One skilled in the art would certainly not look to Chumbley for any direction to attain the method and device of the present invention.

Withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

REJECTION OF CLAIM 25 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MORGAN IN VIEW OF THORNE

The Examiner has cited Thorne to supply the motion sensor that is missing in Morgan. Present claim 51 recites that the theft protection unit includes a motion sensor for the detection of approaching people. Hereby, the device can activate the antitheft feature or go into antitheft mode. In Thorne, the motion sensor is to change from advertisement to "ready" mode. One skilled in the art would not have looked to Thorne, a coupon kiosk, to solve the problem of an antitheft feature. For that reason, the Thorne reference does not render claim 51 obvious.

Withdrawal of the rejection of claim 25 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

DEFECTIVE IDS

It is noted that the Examiner has not considered the reference as submitted with the Information Disclosure Statement, as filed on July 5, 2007 because no concise explanation had been given. However, as stated in the

M.P.E.P., section 609, "[W]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.". Applicant also submitted on October 2, 2009 and prior to the first Office Action, a copy of the International Search Report, which indicates the relevancy of the cited prior art with respective categorization. Therefore, it is applicant's contention that the Information Disclosure Statement, as filed on July 5, 2007 should have been considered by the Examiner.

Nonetheless, applicant hereby submits a Supplemental IDS in which a translation for the non-considered reference has been submitted in form of an English abstract for the benefit of the Examiner. However, as set forth above, since the reference should have been considered earlier, no fee is due.

Applicant hereby respectfully requests that the prior art be considered and made of record.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses a method and devices for the individual location-independent designing of images, cards and similar having features as set forth in the claims.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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